

The Honorable James L. Robart

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MICROSOFT CORPORATION, a Washington  
corporation,

Plaintiff,

v.

MOTOROLA, INC., and MOTOROLA  
MOBILITY LLC, and GENERAL  
INSTRUMENT CORPORATION,

Defendants.

CASE NO. C10-1823-JLR

DECLARATION OF CHERYL A. BERRY  
IN SUPPORT OF DEFENDANTS' REPLY  
IN SUPPORT OF DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT

**NOTED ON MOTION CALENDAR:  
Wednesday, July 31, 2013 at 10:00 a.m.**

I, Cheryl A. Berry, declare as follows:

1. I am an attorney at the law firm of Quinn Emanuel Urquhart & Sullivan, LLP, counsel of record for Defendants in this matter. I have personal knowledge of the facts stated herein and if called to testify could and would competently testify thereto.

2. Attached as Exhibit A is a true and correct copy of an email sent by Chris Wion that I received on May 29, 2013, including the Rule 26(a)(2) disclosure attached to that email.

3. Attached as Exhibit B is a true and correct copy of an email sent by Ellen Robbins that I received on June 12, 2013.

DECLARATION OF CHERYL A. BERRY IN SUPPORT OF  
DEFENDANTS' REPLY IN SUPPORT OF DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT - 1  
CASE NO. C10-1823-JLR

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5. Attached as Exhibit D is a true and correct copy of cited excerpts of the transcript of the May 6, 2013 deposition of David Killough.

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/s/ Cheryl A. Berry  
Cheryl A. Berry

**CERTIFICATE OF SERVICE**

I hereby certify that on this day I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED this 17th day of July, 2013.

/s/ Marcia A. Ripley  
Marcia A. Ripley